

REMARKS

Claims 1-8 and 12-77 are pending in the present application, with claims 1, 6, 12, 13, 30 and 31 having been amended, claims 32-77 having been added and claims 9, 10 and 11 having been cancelled without prejudice and disclaimer.

The undersigned attorney would like to again thank the Examiner for his time during the August 14, 2003 telephone interview.

In the Office Action, the drawings were objected to because Figures 6A and 6B do not include a legend such as --PRIOR ART-- and the drawings do not include reference numeral --15-- mentioned in the description. Applicants submit concurrently herewith a Letter With Proposed Drawing Changes which adds the legend --PRIOR ART-- to Figures 6A and 6B. In the Letter With Proposed Drawing Changes, Applicants also add reference numeral --15-- to Figs. 1A and 2 and move central line 15 in Fig. 1A.

Claim 6 was objected to because of the use of the word "operation" instead of the word "operator". Applicants have herein amended claim 6 by changing "operation" to --operator--.

Accordingly, Applicants respectfully request that the objections to the drawings and specification be withdrawn.

Claims 1-2, 4-5, 9, 11-17, 21, 23-24 and 30-31 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 3,954,014 ("Andrews Jr. et al.") and were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 3,786,683 ("Berman et al."). Claims 1-2, 4, 9, 11-13, 16-18, 21, 23-24 and 30-31 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,690,005 ("Tervamaki et al."). Claims 1-2, 4, 9, 11-13, 15, 17, 21, 23-24 and 30-31 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,524,531

("Feygin et al."). For at least the reasons set forth below, Applicants respectfully submit that amended independent claims 1, 30 and 31 are not anticipated by Andrews, Jr. et al., Berman et al., Tervamaki et al. or Feygin et al.

Applicants respectfully submit that these references do not teach at least the following:

- "at least one button located on the top of the body portion and operable by a thumb of the operator to effect aspiration and dispensing of fluid through said nozzle portion, the at least one button being aligned with or substantially aligned with the long central axis of the body portion", as recited in amended claims 1, 30 and 31.

Rather, Andrews, Jr. et al., Berman et al., and Tervamaki et al. describe and illustrate "gun-type" pipettes. Each of these "gun-type" pipettes include a handle portion and a trigger operable for aspirating and dispensing a fluid. Each trigger is located on the side of the respective handle portion. Furthermore, Feygin et al. simply teaches a button on a side of a body portion. Each of these references fails to disclose "at least one button being aligned with or substantially aligned with the long central axis of the body portion", as recited in amended independent claims 1, 30 and 31.

Furthermore, Applicants respectfully submit that amended independent claims 1, 30 and 31 are not anticipated by U.S. Pat. No. 4,475,666 ("Bibley et al."), a prior art reference made of record but not relied upon in the Office Action. This reference was briefly discussed during the August 14, 2003 telephone interview. As can be seen at least in Figs. 18 and 19 of Bibley et al., a push button 73 is located on the side of an elongated handle 60. Hence, Bibley et al. does not teach "at least one button being aligned with or substantially aligned with the long central axis of the body portion", as recited in amended independent claims 1, 30 and 31.

Accordingly, Applicants respectfully request that the rejection of independent claims 1, 30 and 31 be withdrawn.

Claims 1-2, 4-5, 9, 11-18, 21 and 23-24 depend from and further limit claim 1 and for at least the reasons stated above in connection with claim 1 are believed to not be anticipated by Andrews, Jr. et al., Berman et al., Tervamaki et al., Feygin et al., or Bibley et al.

Applicants note that claim 1 was amended to incorporate subject matter recited in cancelled claims 9 and 10. Claims 12 and 13 were amended due to the cancellation of claim 9. Applicants also respectfully note that the patentability of claim 10 was not addressed in the Office Action.

Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews, Jr. et al., Berman et al. and Tervamaki et al.

Claim 22 depends from and further limits claim 1 and for at least the reasons stated above in connection with claim 1 is believed to be patentable over Andrews, Jr. et al., Berman et al. and Tervamaki et al.

New Dependent Claims

As mentioned during the telephone interview on August 14th, Applicants have added dependent claims for independent claims 30 and 31. Specifically, Applicants have added claims 38-57 which depend from independent claim 30 and claims 58-77 which depend from independent claim 31. Accordingly, for at least the reasons stated above in connection with claims 30 and 31, claims 38-77 are believed to be patentable over the cited references.

Allowable Subject Matter

In the Office Action, claims 25-29 were allowed.

Also, claims 3, 6-8 and 19-20 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants have rewritten claims 3, 6-8 and 19-20 in independent form including all of the limitations of the respective base claim and any intervening claims. These rewritten claims are claims 32-37, respectively.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. The claims, in view of the foregoing explanation, are believed to be patentable over the cited art, and a favorable Office Action is hereby earnestly solicited.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Examiner is requested to telephone the number provided below.

Respectfully submitted,

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